

Commissioner of Political Practices
1205 Eighth Avenue
Post Office Box 202401
Helena, MT 59620-2401
Phone: 406-444-2942
Fax : 406-444-1643
www.politicalpractices.mt.gov

POSTMARKED
MAY 21 2014

FOR OFFICE USE ONLY

RECEIVED
2014 MAY 23 A 9:50
COMMISSIONER OF
POLITICAL PRACTICES
HAND DELIVERED
CERTIFIED MAIL
SIGNED/NOTARIZED

Ethics

Complaint Form (10/09)

Type or print in ink all information on this form except for verification signature

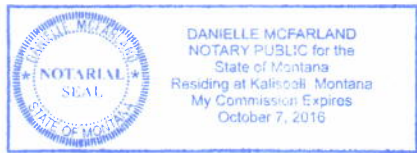
Person bringing complaint (Complainant):
Complete Name John M. Campbell
Complete Mailing Address PO Box 233
Kalispell, MT. 59903-0233
Phone Numbers: Work 406 150-2921 Home 406 290-2921

Person or organization against whom complaint is brought (Respondent):
Complete Name Derek Skees
Complete Mailing Address PO Box 9134
Kalispell, MT. 59904
Phone Numbers: Work Home 406 212-5493

Please complete the second page of this form and describe in detail the facts of the alledged violation.

Verification by oath or affirmation

State of Montana, County of Flathead
I, John M. Campbell, being duly sworn, state that the information in this Complaint is complete, true, and correct, to the best of my knowledge and belief.
(SEAL) Signature of Complainant
Subscribed and sworn to before me this 21 day of May, 2014.
Danielle McFarland
Notary Public
My Commission Expires: 10/7/14



Statement of facts:

Describe in detail the alleged violation(s), including pertinent dates, and cite the statute or statutes you believe have been violated. Please attach copies of documentary evidence to support the facts alleged in your statement.

If the space provided below is insufficient, you may attach additional pages as necessary.

I believe Derek Skees is making false and misleading statements with the "fliers" he is passing out. I will attach a copy of one of them also. The two (2) claims are below.

On the "flier;" Mr. Skees claims:

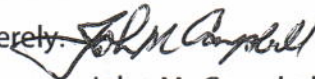
- 1) Derek Skees has a reputation for battling against - - - , - - - , costly state energy policy, - - - .
- 2) Derek has the endorsements of - - - , as well as the current PSC chair and District 5 Commissioner, Bill Gallagher.

1) In checking Mr. Skees voting record; There is only one (1) bill related to "energy." That is SB 329: Oil and Natural Gas Revenue for Schools. This bill was to increase the school funding from the "Oil and Natural Gas Revenue." It has nothing to do with "costly state energy policy." The bill "Passed;" but not with the help of Mr. Skees. He voted against increasing the school funding.

2) According to the information from Mr. Brad Johnson: Commissioner Bill Gallagher does "not endorse" anyone in the primary race. Please see the attached copy.

I believe actions like these are false and misleading to the general public. The people are to be given the true facts; to help make the best decision when voting. This is an example of corrupt campaign practices to deceive the public that "they" are the best choice.

Sincerely,



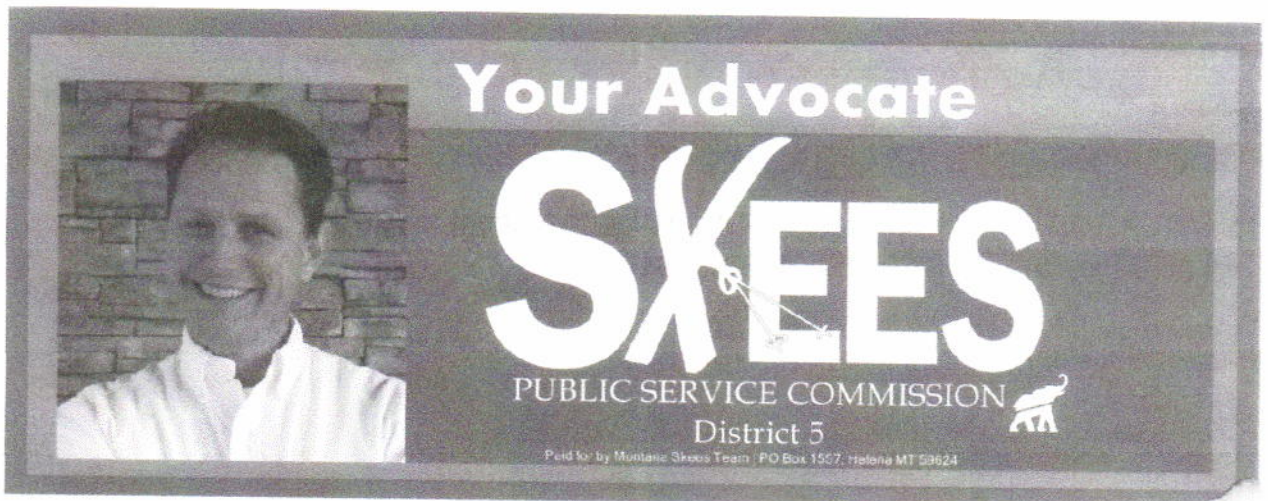
John M. Campbell

Complaint must be:

- signed
- notarized
- delivered in person or by certified mail.

This is a copy of the front and back of the “flier” in question. Please note “costly state energy policy” and “PSC Chair and District 5 Commissioner, Bill Gallagher.”

John M. Campbell



A proven defender of your rights

Derek Skees has a reputation for battling against judicial corruption, Obamacare, costly state energy policy, and corporate welfare. Electing Derek to Public Service Commission will put him back in the front line of protecting you and your family in Montana.

Derek has the endorsements of Montana Senate and House GOP Leadership, as well as the current PSC Chair and District 5 Commissioner, Bill Gallagher. They know he is the best candidate for the job. See the full list of endorsements on the website www.derekskees.com.

derekskees@gmail.com



This is a copy of the statement from Mr. Brad Johnson.



01 May

Johnson runs for PSC

Created on Thursday, 01 May 2014 12:04 Hits: 350 

Former Secretary of State Brad Johnson is a candidate for the Public Service Commission, District 5. Here is his edited campaign announcement:

"I look forward to serving the people of Montana in this important role and I am extremely pleased to have the enthusiastic support of Sen. Conrad Burns." said Johnson. Burns announced his endorsement of Johnson saying: "I have known Brad for a long time and he's always been an honest, positive professional, a principled conservative and a good leader. He will do a good job for his district and for our state. I urge voters in District 5 to give Brad their vote."

In addition, Johnson recognized Commission Chairman Bill Gallagher's decision to remain neutral in the primary race as another example of his leadership and professionalism.

"Montanans have been well served by current Commissioner Bill Gallagher and I deeply regret that he has chosen not to run again. Under Bill's leadership, the atmosphere at the commission was transformed from one of turmoil and divisiveness to one of civility and professionalism.

"Chairman Gallagher has personally assured me that he will not endorse a candidate in the primary but that he will enthusiastically support the candidate chosen by Montana Republicans. I appreciate Bill's commitment to unity and leadership in this matter." Johnson concluded.

"The PSC is a little-appreciated yet vitally important part of Montana's economic structure. Its mandate is to ensure Montanans and Montana businesses have access to energy, telecommunication, water and sewer and transportation services which are affordable, reliable and sustainable. ...

"Having served Montana as secretary of state and State Land Board Member, combined with my success as small business owner, make me uniquely qualified to serve in this important office. The PSC is a quasi-judicial body which must adjudicate requests and complaints that come before it in a professional, equitable and unbiased manner and I have demonstrated that I possess the leadership skills and judicial temperament required to be an effective commissioner," he added.

"The privilege of serving as your secretary of state was one of greatest of my life and my heartfelt commitment to continue serving the people of Montana remains undiminished. That is why I have decided to seek election to the Montana Public Service Commission in 2014."

COMMISSIONER OF POLITICAL PRACTICES
1205 Eighth Avenue
Post Office Box 202401
Helena, MT 59620-2401
TELEPHONE: 406-444-2942
FAX NUMBER: 406-444-1643
WEBSITE: www.politicalpractices.mt.gov

FOR OFFICE USE ONLY

RECEIVED
STATE OF MONTANA
NOV 5 11:19

HAND DELIVERED
CERTIFIED MAIL
SIGNED/NOTARIZED

ETHICS

COMPLAINT FORM (11/02)

TYPE OR PRINT IN INK ALL INFORMATION ON THIS FORM EXCEPT FOR VERIFICATION SIGNATURE

PERSON BRINGING COMPLAINT (COMPLAINANT):

COMPLETE NAME Bradley M. Hamlett
COMPLETE MAILING ADDRESS P.O. Box 49
Cascade, MT 59421
(City, State, Zip)
TELEPHONE NUMBERS: WORK 406-799-5885 HOME 406-264-5885

PERSON OR ORGANIZATION AGAINST WHOM COMPLAINT IS BROUGHT (RESPONDENT):

COMPLETE NAME Jim Whitaker
COMPLETE MAILING ADDRESS 4020 5th Avenue South
Great Falls, MT 59405-3640
(City, State, Zip)
TELEPHONE NUMBERS: WORK 406-899-0555 HOME 406-761-6676

PLEASE COMPLETE THE SECOND PAGE OF THIS FORM
AND DESCRIBE IN DETAIL THE FACTS OF THE ALLEGED VIOLATION.

VERIFICATION BY OATH OR AFFIRMATION

STATE OF MONTANA, COUNTY OF CASCADE

I, Bradley M. Hamlett, being duly sworn, state that the information in this
Complaint is complete, true, and correct, to the best of my knowledge and belief.



Bradley M. Hamlett
Signature of Complainant

Subscribed and sworn to before me this 4 day of
November, 2008.

Diane Bodnar
Notary Public

My Commission Expires: 4/12/08

STATEMENT OF FACTS:

Describe in detail the alleged violation(s), including pertinent dates, and cite the statute or statutes you believe have been violated. Please attach copies of documentary evidence to support the facts alleged in your statement.

If the space provided below is insufficient, you may attach additional pages as necessary.

See ATTACHED

**TYPE OR PRINT IN INK ALL INFORMATION ON THIS FORM
EXCEPT FOR VERIFICATION**

COMPLAINTS MUST BE:

- SIGNED
- NOTARIZED
- DELIVERED TO THE COMMISSIONER IN PERSON OR BY CERTIFIED MAIL

COMMISSIONER OF
POLITICAL PRACTICES

 COPY



STATE OF MONTANA

DENNIS UNSWORTH
COMMISSIONER
TELEPHONE (406) 444-2942
FAX (406) 444-1643

1205 EIGHTH AVENUE
PO BOX 202401
HELENA, MONTANA 59620-2401
www.politicalpractices.mt.gov

November 14, 2008

Bradley Hamlett
PO Box 49
Cascade MT 59421

Subject: Complaint received November 5, 2008 against Jim Whitaker

I have carefully reviewed the complaint you recently filed. You allege that candidate Jim Whitaker misrepresented his own voting record. You allege further that Whitaker calls you and the Montana Democratic Party liars, in violation of 13-37-131, MCA.

I am unable to accept your complaint. First, the statute you allege has been violated does not apply in instances where a candidate misrepresents his or her own record. A 1995 decision by my predecessor Ed Argenbright speaks directly to this issue:

“[i]t does not appear that an allegation that a candidate misrepresented his own voting records can establish a violation of the statute. . . [t]he choice of language by the Legislature suggests an intention to prohibit the misrepresentation of a candidate by a person other than the candidate. Had the Legislature intended to also specifically prohibit a candidate from misrepresenting his own voting record, it could easily have included express language to that effect in statute. Its failure to do so supports a conclusion that the statute does not apply to this situation.”
[Commissioner Ed Argenbright, *Bishop v Towe*; January 12, 1995]

Further, your allegation that the statute is being violated because Whitaker calls you and others liars is too vague to state a potential claim. No investigation of a complaint is required if the complaint is indefinite or does not contain sufficient allegations to enable my staff and I to make a determination that it states a potential violation of a particular statute or rule.
(44.10.307(3)(a), ARM.)

I'd like to be more helpful, but I am unable to undertake an investigation based on vague or tenuous allegations.



Dennis Unsworth
Commissioner of Political Practices



RECEIVED
COMMISSIONER OF
POLITICAL PRACTICES

HAND DELIVERED

Oct 12 9 50 AM '06

October 11, 2006

Commissioner of Political Practices
1205 8th Ave
P.O. Box 202401
Helena, MT 59620-2401
406-444-2942 (Tel.) 406-444-1643 (Fax)

Dear Dennis Unsworth, Commissioner:

We are writing to formally lodge a complaint against Mike Taylor, Republican candidate for Public Service Commission District # 5. Attached is a post card Taylor is sending throughout the district in which he claims he voted against deregulation. The problem is that this statement misrepresents Taylor's record as a state Senator.

In reality, Taylor co-sponsored Senate Bill 390 in 1997—the bill that deregulated electricity in Montana. He voted for it on Second Reading following floor debate. Then, he changed his vote on third reading. As you know, third reading votes occur after the die is cast and often everyone knows whether or not the bill is going to pass.

On natural gas deregulation, Senate Bill 396, in 1997, Taylor voted for the bill every time it was before him. His campaign materials do not distinguish between electric and natural gas deregulation.

During the primary election, Taylor ran a series of radio ads claiming that he voted against deregulation. The Democratic candidate, Ken Toole, wrote to Taylor and asked him to quit misrepresenting his record on this issue. Taylor continued running the ads.

Montana Code, in 13-37-131, Misrepresenting of Voting Record—Political Libel, provides that it is unlawful to, "misrepresent a candidate's public voting record." While Taylor did vote against the electric deregulation bill, he also voted for it and voted for the deregulation of natural gas. He also opposed efforts to stop deregulation. His attempt to portray himself as an opponent of deregulation by citing the vote in exception to his general pattern of votes supporting deregulation is extremely misleading.

Taylor may think that he can hang his hat on the fact that his statement is "technically true." We refer you to 13-35-225. This section of code deals extensively with advertising and the requirement of accurate representation of voting records. In Section 3, the code deals with representation of candidate voting records. Specifically, it requires, "a disclosure of contrasting votes known to have been made by the candidate on the same issue if closely related in time."

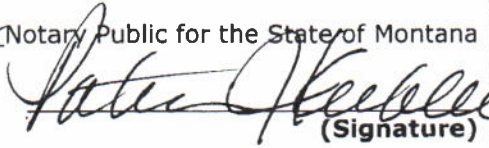
Montana Democratic Party PO Box 802 Helena, MT 5924 www.MontanaDemocrats.org

We believe that these two sections of code clearly show the intent of the legislature to address the misrepresentation of a candidate's voting record and request that you address this matter by requiring Taylor to disclose his pro-deregulation votes.

Sincerely,



Jim Farrell, Executive Director
Montana Democratic Party
PO Box 802
Helena, MT 59624
406.442.9520

State of	<u>Montana</u>
County of	<u>Lewis & Clark</u>
Signed and acknowledged before me on <u>10/11/06</u> by <u>Jim Farrell</u>	
<u>Patricia J Keebler</u> Notary Public for the State of Montana	
 (Signature)	
(SEAL)	
<u>Patricia J. Keebler</u> (Name)	
Residing at:	<u>Helena Montana</u>
My commission expires: <u>12-26-2009</u>	

Montana Code Annotated 2005 13-17-131

13-37-131. Misrepresentation of voting record -- political civil libel. (1) It is unlawful for a person to misrepresent a candidate's public voting record or any other matter that is relevant to the issues of the campaign with knowledge that the assertion is false or with a reckless disregard of whether or not the assertion is false.

(2) It is unlawful for a person to misrepresent to a candidate another candidate's public voting record or any other matter that is relevant to the issues of the campaign with knowledge that the assertion is false or with a reckless disregard of whether or not the assertion is false.

(3) For the purposes of this section, the public voting record of a candidate who was previously a member of the legislature includes a vote of that candidate recorded in committee minutes or in journals of the senate or the house of representatives. Failure of a person to verify a public voting record is evidence of the person's reckless disregard if the statement made by the person or the information provided to the candidate is false.

(4) A person violating subsection (1) or (2) is liable in a civil action brought by the commissioner or county attorney pursuant to 13-37-124 for an amount up to \$1,000. An action pursuant to this section is subject to the provisions of 13-37-129 and 13-37-130.

History: En. Sec. 1, Ch. 483, L. 1995; amd. Sec. 1, Ch. 352, L. 1999.

Montana Code Annotated 2005 13-13-225

13-37-225. Reports of contributions and expenditures required. (1) Except as provided in 13-37-206, each candidate and political committee shall file periodic reports of contributions and expenditures made by or on the behalf of a candidate or political committee. All reports required by this chapter shall be filed with the commissioner and with the election administrator of the county in which a candidate is a resident or the political committee has its headquarters. However, where residency within a district, county, city, or town is not a prerequisite for being a candidate, copies of all reports shall be filed with the election administrator of the county in which the election is to be held or, if the election is to be held in more than one county, with the election administrator in the county that the commissioner specifies.

(2) In lieu of all contribution and expenditure reports required by this chapter, the commissioner shall accept copies of the reports filed by candidates for congress and president of the United States and their political committees pursuant to the requirements of federal law.

History: En. 23-4778 by Sec. 3, Ch. 480, L. 1975; amd. Sec. 1, Ch. 23, L. 1977; R.C.M. 1947, 23-4778(1), (2); amd. Sec. 255, Ch. 571, L. 1979; amd. Sec. 24, Ch. 591, L. 1991.

COMMISSIONER OF
POLITICAL PRACTICES



STATE OF MONTANA

DENNIS UNSWORTH
COMMISSIONER
TELEPHONE (406) 444-2942
FAX (406) 444-1643

1205 EIGHTH AVENUE
PO BOX 202401
HELENA, MONTANA 59620-2401
www.politicalpractices.mt.gov

October 18, 2006

 **COPY**

Jim Farrell
Montana Democratic Party
PO Box 802
Helena, MT 59624

Subject: Your complaint against Mike Taylor; October 12, 2006

This letter is in response to your complaint alleging Mike Taylor violated Montana campaign finance and practices laws by misrepresenting his legislative voting record in violation of § 13-37-131, MCA (claiming he voted against energy deregulation).

I am unable to accept the complaint, as it appears neither statute applies in instances where a candidate misrepresents his or her own record. A 1995 decision speaks directly to this issue:

“[i]t does not appear that an allegation that a candidate misrepresented his own voting records can establish a violation of the statute... [t]he choice of language by the Legislature suggests an intention to prohibit the misrepresentation of a candidate by a person other than the candidate. Had the Legislature intended to also specifically prohibit a candidate from misrepresenting his own voting record, it could easily have included express language to that effect in statute. Its failure to do so supports a conclusion that the statute does not apply to this situation.” [Commissioner Ed Argenbright, *Bishop v Towe*; January 12, 1995]

You also allege that Taylor failed to provide the necessary disclosure regarding contrasting votes required in § 13-35-225, MCA. This section specifically pertains to printed election materials containing information about "another candidate's" voting record. It is not a violation for a candidate to fail to include specific information about his or her own voting record.

No investigation of a complaint is required if the complaint does not contain sufficient allegations to enable a determination that it states a potential violation of a particular statute or rule. (44.10.307(3)(a), Administrative Rules of Montana) I am dismissing your complaint since it does not allege a potential violation of campaign practices law.

A handwritten signature in black ink, appearing to read "Dennis Unsworth".

Dennis Unsworth
Commissioner of Political Practices